

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

TIMOTHY V. LEPESH,

No. CV. 09-1456-SU

Petitioner,

ORDER

v.

RICK COURSEY

Respondent.

Timothy V. Lepesh
4337 S.E. Boise Street
Portland, OR 97206

Petitioner, Pro se

Kristen E. Boyd
STATE OF OREGON
DEPARTMENT OF JUSTICE
1162 Court Street, NE
Salem, OR 97301

Attorney for Respondent

HERNANDEZ, District Judge:

Magistrate Judge Pat Sullivan issued a Findings and Recommendation (doc. #17) on May 17, 2011, in which she recommends that petitioner's Petition for Writ of Habeas Corpus be dismissed with prejudice. She also recommends that I decline to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record de novo. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles de novo, I find no error.

CONCLUSION

The court ADOPTS the Magistrate Judge's Findings and Recommendation (doc. #17). Accordingly, petitioner's Petition for Writ of Habeas Corpus is dismissed with prejudice and I decline to issue a Certificate of Appealability.

IT IS SO ORDERED.

DATED this 5th day of July, 2011.

/s/ Marco A. Hernandez
 MARCO A. HERNANDEZ
 United States District Judge